



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**(1) Sixteenth Account and Report of Conservator and (2) Petition for Attorney's Fees**

<b>Age: 50</b>	<b>ISABEL OLIVARES</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>See page 4 for a related case.</b>  <b>Note:</b> If the petition is granted status hearings will be set as follows:  • <b>Monday, 10/10/16 at 9:00a.m. in Dept. 303</b> for the filing of the seventeenth account.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.
	Account period: <b>01/01/12 – 07/31/14</b>	
	Accounting - <b>\$244,357.64</b>	
	Beginning POH - <b>\$212,952.15</b>	
	Ending POH - <b>\$213,325.61</b>	
<b>Cont. from</b>	Conservator - <b>waived</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Attorney - <b>\$2,000.00</b> (Less than allowed per Local Rule)	
<input checked="" type="checkbox"/> <b>Verified</b>	Costs - <b>\$685.00</b> (filing fees and bond premium)	
<input type="checkbox"/> <b>Inventory</b>	(Authorized Attorney fees and costs to be paid from the Special Needs Trust.)	
<input type="checkbox"/> <b>PTC</b>	<b>Petitioner prays for an order:</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	1. Settling and allowing the 16th account;	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	2. Authorizing payment of attorney fees; and	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	3. Such other and further relief as the Court may deem proper.	
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Court Investigator Charlotte Bien's report filed 08/13/14 recommends conservatorship continue as is.</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>2620(c)</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 11/25/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File</b>

**Probate Status Hearing Re: Failure to File Inventory and Appraisal and Failure to File First Account or Petition for Final Distribution**

<b>DOD: 11/14/2003</b>	<b>CLAYTON JEFFREY MASSEY and RAYMOND DEAN MASSEY</b> were appointed as Co-Executors with full IAEA authority and without bond on 5/11/2004.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 090613, 110113, 010314, 030714, 050914, 050914, 060514, 090414, 100914</b>	Letters issued on 5/11/2004.	<b>OFF CALENDAR. Final Report of Successor Administrator has been filed and set for hearing on 2/11/14.</b>  1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Aff.Sub.Wit.</b>	Inventory and appraisal was due on 10/11/2004.	
<b>Verified</b>	First account and/or petition for final distribution was due on 5/11/2005.	
<b>Inventory</b>	Notice of Setting Status Hearing was sent to Attorney Richard Hemb on 7/17/2013.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Former Status Report of Attorney Richard Hemb filed on 5/6/14</b> states an inventory and appraisal was prepared by Steven Diebert with a total value of \$193,489.92 and sent to the clients for review and signature. Mr. Hemb states he also prepared a declaration whereby the property would be distributed to an inter vivos trust and a First and Final Account and Report of Executors and Petition for Settlement, Allowance of Commissions and Fees and Final Distribution. The documents were never executed by his clients.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>	Mr. Hemb states he personally visited the residence located at 12557 E. Herndon in Clovis and found Mr. Massey to reside at that location. Mr. Hemb states he had a personal conversation with Mr. Massey to explain the need to resolve the probate estate.	
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>	Since Mr. Hemb's personal visit to Mr. Massey's home, his office has sent reminder letters to Mr. Massey. To date, Mr. Massey has not contacted his office to conclude the estate.	
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Please see additional page</b>		<b>Reviewed by: KT</b> <b>Reviewed on: 12/1/14</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 2A – Massey</b>

**Minute order from 6/5/14 states** the court notes that Clayton Massey is not present. Mr. Hemb advises the Court that he has verified Clayton Massey's address and has conveyed to him the importance of appearing at today's hearing. The court imposes sanctions in the amount of \$500.00 against Clayton Massey. Sanctions to be paid by 7/7/14. The Court on its own motion removes Clayton Massey as the personal representative. The Court appoints the Public Administrator as the personal representative. The Court grants Mr. Hemb's oral motion to be relieved as counsel based on his inability to communicate with his client. – Copy of the minute order was mailed to Clayton Massey on 6/5/14. As of 12/1/14 the sanctions against Mr. Massey have not been paid.

**Former Status Report of the Public Administrator filed on 8/28/14 states** Senior Probate Assistant Susan Banuelos researched this case and learned that there are not assets in the estate. All assets were marshalled under the decedent's trust.

Therefore, the Public Administrator requests that no further status hearings be set in this matter, and that the Public Administrator be discharged as successor Administrator.

**Note:** There were assets in this estate see Mr. Hemb's status report filed on 5/6/14. The assets were transferred from the estate to the trust by the former co-executors without court authorization.

Probate Code §9202 requires notice to the Department of Health Care Services and Victim Compensation and Government Claims Board. There is no indication that either agency has been noticed. It appears that both those agencies should be noticed prior to the closing of this estate. If it is found that either of those entities have a claim against the estate, a surcharge petition should be filed against the former co-executors to pay said claims.

If after noticing the Department of Health Care Services and Victim Compensation and Government Claims Board there are no claims against the estate, the court could close the estate and discharge the Public Administrator.

The former co-executors are the only beneficiaries of this estate and would be the only persons harmed by their wrongdoing if no claims are filed by the Department of Health Care Services and Victim Compensation and Government Claims Board.

<b>DOD: 11/14/2003</b>	<p><b>CLAYTON JEFFREY MASSEY</b> and <b>RAYMOND DEAN MASSEY</b> were appointed as Co-Executors with full IAEA authority and without bond on 5/11/2004.</p> <p>Letters issued on 5/11/2004.</p> <p>Inventory and appraisal was due on 10/11/2004.</p> <p>First account and/or petition for final distribution was due on 5/11/2005.</p> <p><b>Minute order dated 5/9/14</b> set this Order to Show Cause Re: Clayton Massey's failure to appear. The Court Orders Clayton Massey to be personally present on 6/5/14. A copy of the minute order was mailed to Clayton Massey on 5/16/14.</p> <p><b>Minute order (Judge Cardoza) dated 10/9/14</b> states the Court asks the Public Administrator to assist with making the sanctions a judgment.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute order from 6/5/14</b> states the court notes that Clayton Massey is not present. Mr. Hemb advises the Court that he has verified Clayton Massey's address and has conveyed to him the importance of appearing at today's hearing. The court imposes sanctions in the amount of \$500.00 against Clayton Massey. Sanctions to be paid by 7/7/14. – Copy of the minute order was mailed to Clayton Massey on 6/5/14. As of 12/1/14 the sanctions have not been paid.</p>
<b>Cont. from 060514 090414, 100914</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 12/1/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2B - Massey</b></p>		

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

	<b>ROQUE RODRIGUEZ.,</b> son, appointed administrator with full IAEA authority with bond set at \$22,500.00 on 03/07/2006.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 05/30/2014: The Court is advised that the property has been listed, but no offers have been received.</b>  1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.  <b>Reviewed by:</b> LV <b>Reviewed on:</b> 11/26/2014 <b>Updates:</b> <b>Recommendation:</b> <b>File 3 – Rodriguez</b>
	Letters issued on 03/16/2006.	
<b>Cont. from 022814, 053014, 092214</b>	Inventory and Appraisal filed 03/16/2006 shows an estate valued at \$22,500.00 consisting of real property.	
<b>Aff.Sub.Wit.</b>	First Account or Petition for Final Distribution was due 05/2007.	
<b>Verified</b>	Notice of Status Hearing was mailed to Attorney Mortimer and Roque Rodriguez on 11/22/2013.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Second Account and Report of Trustee; Petition for Settlement of Account and Approval of Attorney's Fees**

<b>Age: 50</b>		<b>ISABEL OLIVARES</b> , Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Pursuant to Order of 8-24-09 on the First Account, accountings for the trust were eliminated as long as trust assets remained under \$20,000.00. The trust received a lump sum payment of \$20,000.00 in November 2013 and this court ordered that an accounting be filed by 11/20/14.
		Account period: <b>07/03/09 – 07/31/14</b>	
		Accounting - <b>\$27,063.11</b>	
		Beginning POH - <b>\$7,001.33</b>	
		Ending POH - <b>\$13,452.61</b>	
<b>Cont. from</b>		Conservator - <b>waived</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$1,500.00</b> (for 5 hours of attorney time @ \$300/hr.)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Costs - <b>\$495.00</b> (filing fees and bond premium)	
<input type="checkbox"/>	<b>Inventory</b>	All withdrawals during the account period have been pursuant to Court order. All trust assets are held in a blocked account.	
<input type="checkbox"/>	<b>PTC</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	1. That the Second Account be settled, allowed and approved and that all acts and transactions of the Petitioner be ratified, confirmed and approved;	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	2. Approving payment of attorney fees and costs;	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/	3. Authorizing withdrawal from the blocked account to pay the attorney fees requested; and	
<input type="checkbox"/>	<b>Aff.Pub.</b>	4. Authorizing withdrawal from the blocked account to pay the sum of \$2,685.00 for fees in connection with the Conservatorship of the Estate proceedings.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 11/25/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 4 - Olivares</b>

**(1) First and Final Account and Report of Personal Representative, Petition for Settlement,  
(2) for Waiver of Commissions and Attorneys' Fees, and (3) for Final Distribution**

<b>DOD: 10-22-11</b>		<p><b>WILL SCOTT, JR.,</b> Spouse and Successor Administrator with Limited IAEA without bond, is Petitioner.</p> <p>Account period: 10-22-11 through 10-8-14  <b>Petitioner states</b> the decedent's daughter Michelle Scott was appointed Administrator with Will Annexed on 2-2-12 Full IAEA with bond of \$165,000.00. On 7-17-12, the Court ordered bond reduced to \$10,000.00 with excess funds to be deposited into a blocked account; however, Letters never issued. Pursuant to Stipulation for Settlement, Michelle Scott resigned as Administrator and Will Scott, Jr., was appointed as Successor Administrator.</p> <p><b>Petitioner states</b> Creditor's Claims in the total amount of \$9,142.57 were paid pursuant to negotiations with the creditors from the Quinlan, Kershaw &amp; Fanucchi, LLP Client Trust Account, which funds on deposit were the result of an eminent domain action on the joint tenancy property held by the decedent and her spouse.</p> <p>Petitioner states all debts have been paid and the estate is in a condition to close. No Inventory and Appraisal was filed because after a lengthy investigation and discovery it was determined that all property of the decedent was held in joint tenancy.</p> <p>Petitioner waives compensation. Pursuant to Stipulation filed 26-13, Petitioner is the sole heir, and any later discovered property should be distributed to Petitioner.</p> <p><b>Petitioner requests this Court to order:</b></p> <ol style="list-style-type: none"> <li>1. That the administration of this estate be brought to a close;</li> <li>2. That the First and Final Account be settled, allowed and approved as filed;</li> <li>3. That all acts and proceedings of Petitioner as personal representative as set forth in this petition be confirmed and approved;</li> <li>4. That Quinlan, Kershaw &amp; Fanucchi, LLP, has waived its right to statutory attorney fees;</li> <li>5. That Petitioner has waived his right to a statutory commission for his services as the personal representative;</li> <li>6. That any other property of the decedent or the estate not now known or discovered be made to the person entitled to it, as set forth in the petition (Amendment states: to Melita Montgomery, Plaintiff, in the amount of \$81,679.17 until fully paid); and</li> <li>7. For further orders as the Court considers proper.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. The Court may require notice to the Judgment Creditor and his or her attorney pursuant to Judgment Lien filed 9-19-13 in this matter. <b>Note:</b> Declaration filed 11-26-14 states the lien is against Will Scott, Jr., personally, not the estate. There being no assets in the estate, there are no funds to pay said lien.</li> <li>2. The Court may require clarification regarding why the funds in the attorney client trust account are not considered an asset of the decedent's estate. If funds were received after the decedent's death from community property, regardless of whether it was held in joint tenancy, wouldn't the decedent's portion of such funds be considered an estate asset? Petitioner does not state what the total amount held in the trust account was, just that funds were received from this eminent domain action and that the settlement payment to Michelle and Rodney and the creditors' claims were paid from these funds.</li> <li>3. <b>Need Order.</b></li> </ol>
<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<b>Inventory</b>	X		
<b>PTC</b>			
<input checked="" type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>	2-8-13		
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<input checked="" type="checkbox"/> <b>9202</b>			
<b>Order</b>	X		
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<input checked="" type="checkbox"/> <b>FTB Notice</b>			



## Petition for Visitation

<b>Age: 4</b>		<b>JON FARINO</b> , maternal grandfather, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>DANYELL FARINO</b> , maternal step-grandmother, and <b>CAROLE JARVIS</b> , maternal grandmother, were appointed as Co-Guardians on 03/19/13. – Both served by mail on 08/01/14	<b>CONTINUED FROM 09/3/14</b>
<b>Cont. from 090314</b>		Father: <b>UNKNOWN</b> court dispensed with notice unless and until his identity becomes known per minute order dated 01/03/2013.	<p><b>Note:</b> A stipulation Re: Visitation was filed 09/16/14 that outlined visitation between the minor and Jon Farino. Order on Stipulation was signed by Judge Oliver on 09/18/14. In light of the Stipulation Re Visitation, it is unclear whether Petitioner intends to pursue this Petition.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> for:</p> <p>a. Alexandria Farino (mother)</p> <p><b>Note:</b> Per 03/09/13 Minute Order, the mother is not to have any visitation with the child that is inconsistent with the restraining order.</p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Mother: <b>ALEXANDRIA FARINO</b> – <i>Petitioner states that the mother's whereabouts are unknown</i>	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	Paternal grandparents: UNKNOWN	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Petitioner states</b> that he and his mother, Jacob's maternal great-grandmother, have been involved in Jacob's life since birth. Recently, Petitioner became separated from guardian Danyell Farino and she has severely restricted his and his mother's visitation with Jacob. Petitioner further believes that the guardians are defaming him to Jacob. Petitioner believes that the lack of visits and the defaming statements made in front of Jacob are harmful to Jacob's well-being. Petitioner requests one (1) overnight visit with Jacob per week when Petitioner is not working and Jacob is not in school (the summer months, June, July & August (Petitioner is a teacher)), and alternating weekends commencing Friday at 5:00pm and ending Sunday at 5:00 pm during the remaining months.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		w/
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 11/25/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6 – Farino</b>

and Alyssa Jaurique

Atty Ruiz, Richard A. (appearing Limited Scope for Cynthia Piombino – Petitioner – Co-Guardian)

Atty Jaurique, George Danny (Pro Per – Co-Guardian)

## Petition for Termination of Guardianship

Destiana Age: 12	CYNTHIA PIOMBINO, co-guardian/paternal grandmother, is petitioner and is requesting that George Danny Jaurique, be removed as co-guardian.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 11/17/2014: Parties are referred for mediation services forthwith today with regard to visitation.</b>  <b>Minute Order of 10/20/2014: The Court notes that it is the intent of the parties to withdraw the petition and continue as co-guardians. The Court orders that Denicio attend counseling. Counsel will be preparing a stipulation as to all three children. The stipulation is to address visitation and any ongoing matters.</b>  <b>As of 11/10/2014 a Stipulation has not been filed.</b>  1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Don Marcelli (Maternal Grandfather)</li> <li>Susan Marcelli (Maternal Grandmother)</li> <li>Destiana Jaurique (Minor)</li> </ul>
Denicio Age: 10			
Alyssa Age: 9			
Cont. from 102014, 111714	<b>GEORGE DANNY JAURIQUE</b> and <b>CYNTHIA PIOMBINO</b> , paternal grandparents, were appointed co-guardians on 11/14/2013. George Danny Jaurique was served by mail on 09/08/2014		
Aff.Sub.Wit.		Father: <b>TEMUJINE JAURIQUE</b> , served by mail on 09/08/2014	
✓ Verified		Mother: <b>LISA MARCELLI</b> , served by mail on 09/08/2014	
Inventory		Maternal grandfather: Don Marcelli	
PTC		Maternal grandmother: Susan Marcelli	
Not.Cred.		<b>Petitioner states:</b> she has recently been made aware of multiple occasions where the co-guardian, George Danny Jaurique, has physically abused the minor children. Petitioner learned of an incident when Denicio, the minor, was hit so hard he fell off a chair and was called stupid. On another occasion petitioner was informed that the Denicio was slapped on the back of the head. Petitioner states on 07/18/2014 she received a call from her granddaughter stating that the Co-Guardian pulled over while driving and struck the minor, Destiana, on her arm. Petitioner states the children have expressed to her how mean the paternal grandfather is and they are fearful of his controlling behavior and that he ridicules and teases them repeatedly. Petitioner alleges that the Co-Guardian does not keep the children's scheduled medical appointments nor does he provide her with the names and contact information for medical providers for the minor children.	
✓ Notice of Hrg			
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

**Please see additional page**

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 12/01/2014
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 7 – Jaurique</b>

**continued from previous page:** Petitioner states that based upon the contact she has received from the children's school and the children's dental provider, she believes that the co-guardian, George Danny Jaurique, has assigned the duties of guardianship, without authority, to Tina Havens (co-guardian's wife), who is not seeking the appropriate care for the children. Petitioner has been informed that the co-guardian receives public assistance benefits on behalf of the minors and this is his basis for his refusal to allow her to exercise significant periods of physical custody with the children. She states that the co-guardian has made several luxury purchases since the receipt of public assistance benefits commenced, that the household could not afford if not for the supplemental income received from the public assistance. Petitioner is concerned that her son, the children's father, is residing in the home of the co-guardian and the children while on drugs after Court hearings and discussions with DSS said the father was to be excluded from the residence. On multiple occasions, the petitioner has been informed that Tina Havens, wife of the co-petitioner, has made disparaging comments about the petitioner to the children. Ms. Havens has even said she wish she could have punched the petitioner after a disagreement.

**Court Investigator Julie Negrete's report filed 09/25/2014.**

**Declaration filed 11/20/2014 includes the Probate Mediation Agreement outlining the visitation schedule between George Jaurique and Cynthia Piombino, the visitation includes weekends, holidays, summer vacation and the children's birthdays.**

Atty Matlak, Steven M. (for Linda Courtney – Daughter – Petitioner)

Atty Walters, Jennifer L. (Court appointed for Proposed Conservatee)

## Amended Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

NO TEMP REQUESTED			NEEDS/PROBLEMS/COMMENTS:
<p><b>LINDA COURTNEY</b>, Daughter, is Petitioner and requests appointment of <b>ROCHELLE ROSENBALM</b> as Conservator of the Person with medical consent powers under Probate Code §2355 and as Conservator of the Estate with bond of \$1,003,640.00. Ms. Rosenbalm is the spouse of the Conservatee's Grandson, Todd Rosenbalm.</p>			<p>Court Investigator advised rights on 11-24-14.</p>
<p><b>Voting rights affected.</b></p>			<p><b>Voting rights affected</b></p> <ul style="list-style-type: none"> <li>- Need minute order</li> </ul>
<p><b>Need Capacity Declaration.</b></p>			<p>1. <b>Need Capacity Declaration</b> in support of request for medical consent powers pursuant to Probate Code §2355. Petitioner states at #9b that a capacity declaration is already on file; however, Court records do not reflect that a Capacity Declaration was previously filed.</p>
<p><b>Estimated value of estate:</b></p> <p>Personal property: \$ 878,000.00  Annual income: \$ 34,400.00  Real property: \$ 200,000.00</p>			<p>2. Attorney Walters signed a Notice and Acknowledgment of Receipt for service of the Citation on the Proposed Conservatee. However, the Court may require direct service pursuant to Probate Code §§ 1824, 1214, and Cal. Rule of Court 7.51.</p>
<p><b>Petitioner states</b> the proposed Conservatee has mild dementia and is unable to care for her needs, manage her financial resources, or resist fraud or undue influence. Attached is a Settlement Agreement and General Release dated 10-24-14 by and among Linda Courtney, Daughter, Richard Natividad, Son, and Jennifer Walters, in her capacity as court-appointed counsel for proposed Conservatee Lorraine Keehn. See Settlement Agreement for details.</p>			<p>3. Petitioner states the addresses of four of the Proposed Conservatee's grandchildren are unknown. The Court may require notice pursuant to Probate Code §1822 or declaration of due diligence.</p>
<p><b>Court Investigator Dina Calvillo filed a report on 12-1-14.</b></p>			<p>4. Need Video Receipt pursuant to Local Rule 7.15.8.A.</p>
<p><b>SEE ADDITIONAL PAGES</b></p>			<p>Reviewed by: skc</p>
<p>Reviewed on: 11-26-14</p>			<p>Updates: 12-2-14</p>
<p>Recommendation:</p>			<p>File 8 - Keehn</p>

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	X
✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	X
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

5. **Need Confidential Supplemental Information (Form GC-312).** Although this form was previously filed in connection with the prior petition, it appears information may need to be updated, as the Proposed Conservatee was residing in Eureka when that petition was filed.
6. **The Court was previously informed that the Proposed Conservatee's assets were held in trust and that Linda Courtney is the Successor Trustee.** The Court may require clarification regarding the nature and title of the proposed conservatorship estate assets estimated herein.
7. **The Settlement Agreement attached to the petition includes a number of details that are not within the Court's jurisdiction in this Probate Conservatorship proceeding, including appointment of the conservator as trustee of the trust.** Any changes to the trust must be addressed in a separate proceeding under applicable law with appropriate notice to all entitled thereto.

Atty Markeson, Thomas A., of Wild, Carter &amp; Tipton (for Petitioner Kevin L. Melton)

(1) First and Final Report; Petition for Approval of First and Final Report on Waiver of Account; (2) for Allowance of Attorney's Compensation; (3) for Allowance of Costs Advanced and (4) for Final Distribution

<b>DOD: 5/11/2014</b>		<b>KEVIN L. MELTON</b> , son and Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	<b>Note:</b> Creditor's claim filing period expires 12/5/2014; <i>Petition</i> states if any creditor files a claim before expiration of the period, Petitioner will amend the <i>Petition</i> accordingly.
<b>Cont. from</b>		I & A — <b>\$219,085.90</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH — <b>\$219,085.90</b> (no cash)	
<input type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor — <b>waives</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney — <b>\$7,381.72</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Costs — <b>\$1,479.00</b> (filing fees, probate referee, publication)	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 080514	<b>Distribution pursuant to Decedent's Will is to:</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>	<b>KEVIN L. MELTON</b> – real property, automobiles, boat, promissory note, and personal property including personal effects, tools and appliances.	
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 11/25/14
			<b>Updates:</b>
			<b>Recommendation:</b> SUBMITTED
			<b>File 9 - Melton</b>

**Spousal or Domestic Partner Property Petition (Prob. C. 13650)**

<b>DOD: 01/08/2006</b>		<b>DEBI QUAN</b> , surviving spouse, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		No other proceedings	
		Decedent died intestate	<b><u>Off Calendar. Amended</u></b> <b><u>Petition filed 11/21/2014.</u></b> <b><u>Hearing set for 01/08/2015.</u></b>
<b>Cont. from 100914</b>		Petitioner states she was married on 08/10/1991, at the time of the decedent's death on 01/08/2006, they had been married for 14 years. Decedent and Petitioner were married in California. Since the date of their marriage, Decedent' and Petitioner have resided in the State of California and accumulated all of their property from marital earnings of the parties. Decedent and Petitioner always intended and understood that all of the property described in this petition was community property in which they each held an undivided ½ interest. The real property described in this petition was purchased on 01/29/1993, and is currently held in the name of Decedent, a married man as his sole and separate property. Due to the fact Petitioner had prior credit problems, the lending company required that the real property be placed in the name of the Decedent alone even though the real property was purchased with community property funds. No legal proceedings were ever instituted to terminate the marriage or to determine the rights of the parties to their community property nor did the parties ever separate.	
	<b>Aff.Sub.Wit.</b>		<b>Minute Order of 10/09/2014:</b> Counsel requests a continuance to provide notice to additional parties.
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>	Petitioner requests court determination that ½ interest in the property located at 9396 N. Boyd Avenue Fresno, Ca. be passed to petitioner and that the remaining ½ is confirmed as belonging to the petitioner.	

**Reviewed by:** LV

**Reviewed on:** 11/26/2014

**Updates:**

**Recommendation:**

**File 10 - Quan**

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

<b>DOD: 7/29/2010</b>	<b>FRANK SCOTT HINE</b> was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 11/17/14.</b>  1. Need <b>First Account, Petition for Final Distribution</b> or <b>current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from 062113, 080213, 091313, 111513, 31714, 040214, 042214, 060314, 080514, 091614, 111714</b>	Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority.	
	Bond of \$45,000.00 filed on 8/10/12.	
	Letters issued 10/24/12.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	Inventory and Appraisal filed on 6/6/2012 showing the estate valued at \$134,550.00	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	<b>Creditor's Claims filed:</b>	
<b>Notice of Hrg</b>	CitiBank - \$12,563.66 DCM Services - \$ 260.80 Frank Hine - \$ 4,743.41 Donna Langley - \$17,625.99 Wesley Langley - \$ 1,397.38 FTB - \$ 2,660.09 <b>Total \$39,351.63</b>	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>	<b>Order Confirming Sale of Real Property was signed on 4/22/14</b> with proceeds from the sale ordered into a blocked account.	
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>	<b>Receipt for Blocked account in the amount of \$90,984.51 was filed on 9/24/14.</b>	
<b>CI Report</b>		
<b>9202</b>	<b>Minute order dated 11/17/14 states</b> Mr. Krbechek is to file a written status report by 12/4/14. If the report is filed as ordered, then no appearance is necessary on 12/8/14.	
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 12/1/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 - Hine</b>



		<b>STEPHANEE WOODWARD</b> , Cousin, was appointed as Guardian of the Person and Estate pursuant to Order entered 8-28-14 with all fund to be blocked.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 9-30-14:</u> Counsel will file documents regarding issues on Examiner Notes.  <u>Minute Order 11-3-14:</u> Ms. Van Doren represents to the Court that the settlement amount is unknown at this time. A written status report is to be filed no later than 12-1-14.  <u>Note:</u> On 11-3-14, Receipt was filed showing that a blocked account has been established with \$20.00. However, as of 11-25-14, no status report has been filed.  1. Need receipt for blocked account (MC-356) for the amount distributed to the minor or verified status report pursuant to Local Rule 7.5.  <u>Note:</u> Guardianship of the estate was requested in order to obtain any insurance or pension funds due the minor; however, at the time of appointment, the nature and amounts expected were unclear. The Court may require clarification regarding actions taken to determine whether the minor is entitled to lump sums or monthly payments, and if so, need Order to Deposit Money Into Blocked Account (MC-355).  <u>Note:</u> The Court also set a status date of <u>1-13-15</u> for the filing of the Inventory and Appraisal.
Cont. from 093014, 110314			
Aff.Sub.Wit.		Separately on 8-28-14, the Court set this status hearing for the filing of the receipt for blocked account and sent notice to Attorney Van Doren.	
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202 Order			
Aff. Posting		Reviewed by: skc	
Status Rpt		Reviewed on: 11-25-14	
UCCJEA		Updates:	
Citation		Recommendation:	
FTB Notice		File 12 - Fuente	

Pro Per Velasquez, Guadalupe (Pro Per Petitioner, mother)

## Petition for Termination of Guardianship

<b>Age: 3 years</b>		<b>GUADALUPE VELASQUEZ</b> , mother, is Petitioner.  <b>TRINIDAD VELASQUEZ</b> , maternal grandmother, was appointed Guardian on 4/7/2014.  Father: <b>CARLOS FLOREZ</b>  Paternal grandfather: Unknown  Paternal grandmother: Unknown  Maternal grandfather: Manuel Velasquez  <b>Petitioner states</b> she now has stabling living as requested for the past [3 or 8?] months, and she is currently employed full time.  <b>Court Investigator Samantha Henson's Report</b> was filed on 11/25/2014 and recommends the petition for termination be <b>DENIED</b> .	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> <i>Petition for Termination</i> filed 10/2/2014 by Guadalupe Velasquez is incomplete (blank) on Page 2 except for the date and verification signature. However, all names of relatives and other pertinent information has been obtained from previous documents filed in this case.  1. Need <i>Notice of Hearing</i> and proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> , or <i>Consent to Termination and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> , for: <ul style="list-style-type: none"> <li>• Trinidad Velasquez, Guardian;</li> <li>• Carlos Florez, father;</li> <li>• paternal grandparents;</li> <li>• Manuel Velasquez, maternal grandfather;</li> <li>• Luis Enriquez Alvarez, sibling (if age 12 or over.)</li> </ul>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>Clearances</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 11/26/14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 13 - Velasquez</b>

**Petition to Determine Succession to Real Property (Prob. C. 13151)**

<b>DOD: 7-26-14</b>	<b>SANTIAGO LOPEZ, JR.,</b> is Petitioner. (Relationship not stated)	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	40 days since DOD	Continued from 11-3-14.
<b>Cont from 110314</b>	No other proceedings	<b>Note:</b> Petitioner filed a declaration with various attachments; however, amended petition, I&A, and notice are still necessary, based on the information provided.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	I&A: ? (blank)	<b>1. Need amended petition</b> based on the following. See also Probate Code §13152:
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate	- Petition is blank at #7 (proceedings in other jurisdiction)
<input type="checkbox"/> <b>Inventory</b> <span style="float: right;">x</span>	Petitioner requests ? (not stated)	- Inventory and Appraisal is blank. Need I&A. See #8 of the petition and I&A Form DE-160. Petitioner should contact the Probate Referee for appraisal of the real property.
<input type="checkbox"/> <b>PTC</b>		- Attachment 11 does not state the decedent's interest in the real property.
<input type="checkbox"/> <b>Not.Cred.</b>		- #13 does not state the interest claimed by Petitioner in the real property.
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		- Petitioner's identity and relationship to the decedent is unclear. His name according to the petition is Santiago Lopez, Jr.; however, Attachment 14 lists 11 children of the decedent, including Santiago Lopez (without "Jr."). Is the Santiago Lopez listed in Attachment 14 the same person as Petitioner Santiago Lopez, Jr.?
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <span style="float: right;">w/o</span>		- If so, it is unclear why Petitioner claims that the real property should pass to him only, since all siblings have an equal priority to succeed to the property. If the property will pass to all of them together, they must all petition the Court together pursuant to Probate Code §13151. See also Probate Code §6400 for intestate succession in general.
<input type="checkbox"/> <b>Aff.Pub.</b>		- Need proposed order pursuant to Local Rule. 7.1.1.F.
<input type="checkbox"/> <b>Sp.Ntc.</b>		<b>Reviewed by:</b> skc
<input type="checkbox"/> <b>Pers.Serv.</b>		<b>Reviewed on:</b> 11-25-14
<input type="checkbox"/> <b>Conf. Screen</b>		<b>Updates:</b> 12-1-14
<input type="checkbox"/> <b>Letters</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Duties/Supp</b>		<b>File 15 – Lopez</b>
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b> <span style="float: right;">x</span>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

<b>Raquel, 13</b> <b>DOB: 06/17/01</b>		<b><u>TEMPORARY EXPIRES 12/08/14</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice for: Raquel Regalado (minor)  2. Declaration of Due Diligence filed 11/17/14 states that the paternal grandfather's whereabouts are unknown and that the father stated that he never met him. If diligence is not found, need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice for Jesus Regalado (paternal grandfather).
<b>Daniel, 11</b> <b>DOB: 06/03/03</b>		<b>ANGEL GONZALEZ MARTINEZ and RAQUEL AVILA DE GONZALEZ</b> , maternal uncle and aunt, are Petitioners.		
		Father: <b>JESUS DANIEL REGALADO</b> – Consent & Waiver of Notice filed 09/30/14		
		Mother: <b>CECILIA AVILA MADUENA</b> – deceased		
<b>Cont. from 101414</b>		Paternal grandfather: JESUS REGALADO – Declaration of Due Diligence filed 11/17/14 Paternal grandmother: GUADALUPE BANUELOS – Served by mail on 11/12/14		
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>	w /		
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>	x		
✓	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
✓	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
✓	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
		Maternal grandfather: HERIBERTO AVILA – Served by mail on 11/12/14 Maternal grandmother: MARIA MADUENA – deceased  <b>Petitioners alleges</b> that the mother passed away leaving the children without an adult to care for them. Their father lives in Kansas and has not had much of a relationship with the children, but wants them to come live with him now that their mother has passed away. The children do not want to go live with their father. The father has a history of incarceration and drug abuse.		
		<b>Court Investigator Charlotte Bien filed a report on 11/20/14.</b> The report states that the children's father has been absent from their lives for the past 10 years. He currently lives in Kansas and has not visited the minors in the past 10 years. The minors indicate that he is like a stranger to them. Pursuant to Family Code § 3041, it appears that parental custody would be detrimental to the minors because Mr. Regalado has not formed a father/child bond with either child. In addition, "detriment to child" includes the harm of removal from a stable placement of a child with a person who has assumed, on a day-to-day basis, the role of his or her parent, fulfilling the child's needs. The petitioners have filled that role as parents to the minors and were bonded with the minors before their mother's death. Pursuant to Probate Code § 1514(e)(2), the minors are of a sufficient age and maturity to express a preference in the matter and have voiced a strong preference to remain in the care of the Petitioners. It is therefore recommended that the petition be <b>GRANTED.</b>		
				<b>Reviewed by:</b> JF
				<b>Reviewed on:</b> 11/25/14
				<b>Updates:</b>
				<b>Recommendation:</b>
				<b>File 16 – Regalado-Avila &amp; Regalado</b>

Petition for Probate of Will and for Letters Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 2-4-14</b>		<b>THOMAS OHANIAN</b> , Father, is Petitioner and requests appointment as Administrator with Full IAEA without bond.  Full IAEA – ok  Decedent died intestate  Residence: Clovis Publication – Fresno Bee  Estimated value of estate: \$0  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need estimated value of estate. Probate Code §8002(a)(4). (The Petition indicates \$0 at #3.)  2. Petitioner requests appointment without bond; however, the decedent was survived by two minor children. Bond cannot be waived for minor heirs; therefore, need bond in an amount to be determined pursuant to #1 above.  3. The petition is incomplete at #5a (7) and (8). Was the decedent survived by issue of a predeceased child?  4. Need Duties and Liabilities of Personal Representative and Confidential Supplement (DE-147 and DE-147S).  5. Need Order. Local Rule 7.1.1.F.  6. Need Letters.  <u>Note:</u> If granted, the Court will set status hearings as follows:  • Monday 1-26-15 for filing of bond in order for Letters to issue  • Monday 4-13-15 for filing of Inventory and Appraisal (Probate Code §8800)  • Monday 4-11-16 for filing first account or petition for final distribution (Probate Code §12200)  If the proper items are on file, the Court may take the status hearings off calendar. If not, verified written status report is required. Local Rule 7.5.	
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			w
✓	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			x
	<b>Duties/Supp</b>			x
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
	<b>Order</b>	x		
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
<b>Reviewed by:</b> skc				
<b>Reviewed on:</b> 11-25-14				
<b>Updates:</b> 12-2-14				
<b>Recommendation:</b>				
<b>File 17 -Ohanian</b>				

Pro Per Gonzalez, Debra (Pro Per Petitioner, mother)  
 Pro Per Gonzalez, Ernest (Pro Per Petitioner, father)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

<b>Age: 18 years</b>		<b>NO TEMPORARY REQUESTED</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>		
		<p><b>DEBRA GONZALEZ and ERNEST GONZALEZ</b>, parents, are Petitioners and request appointment as Conservator of the Person with medical consent powers.</p> <p><b>Capacity Declaration of Isabelo S. Artacho, M.D.</b>, was filed 10/21/2014.</p> <p><b>Voting Rights Affected.</b></p> <p><b>Petitioners state</b> the proposed Conservatee is diagnosed with Autism and mild to moderate mental retardation, and Petitioners estimate his abilities are similar to a 4 to 5-year-old child. Petitioners state the proposed Conservatee is a client of CVRC, he attends special education high school, and after completion will transition to a school district special education program. Petitioners state the proposed Conservatee is able to do most tasks himself with prompting such as get himself ready for school; however, he does require 24-hour supervision and is never left unattended.</p> <p><b>Court Investigator Dina Calvillo's Report</b> was filed on 11/25/2014.</p>		<p><b>Court Investigator Advised Rights on 11/19/2014.</b></p> <p><b>Voting Rights Affected – Need Minute Order.</b></p>		
<b>Cont. from</b>						
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>					
<input checked="" type="checkbox"/>	<b>Verified</b>					
<input type="checkbox"/>	<b>Inventory</b>					
<input type="checkbox"/>	<b>PTC</b>					
<input type="checkbox"/>	<b>Not.Cred.</b>					
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>					
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<input type="checkbox"/>	<b>Aff.Pub.</b>					
<input type="checkbox"/>	<b>Sp.Ntc.</b>					
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>					
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>					
<input checked="" type="checkbox"/>	<b>Letters</b>					
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>					
<input type="checkbox"/>	<b>Objections</b>					
<input checked="" type="checkbox"/>	<b>Video Receipt</b>					
<input checked="" type="checkbox"/>	<b>CI Report</b>					
<input type="checkbox"/>	<b>9202</b>					
<input checked="" type="checkbox"/>	<b>Order</b>					
<input type="checkbox"/>	<b>Aff. Posting</b>					
<input type="checkbox"/>	<b>Status Rpt</b>					
<input type="checkbox"/>	<b>UCCJEA</b>					
<input checked="" type="checkbox"/>	<b>Citation</b>					
<input type="checkbox"/>	<b>FTB Notice</b>					
				<b>Reviewed by:</b> LEG		
				<b>Reviewed on:</b> 11/26/14		
				<b>Updates:</b>		
				<b>Recommendation:</b>		
				<b>File 18 - Gonzalez</b>		

		<b>TEMP EXPIRES 12-8-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 1-17-14:</u> Laura Geres, Certified Interpreter, assists Marisela Salmeron in the Spanish language. Marisela Macias, mother, receives copies of the filed paperwork in open court today. The Court orders that Marisela Salmeron's adult children are not allowed to be around the minors if they are using drugs. Temporary letters are to issue forthwith. Continued to 12-8-14.  <u>As of 11-25-14,</u> the following issues remain: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Marisela Macias (Mother) - Father of Adam - Richard (Minor)
		<b>GENERAL HEARING 1-14-15</b>	
		<b>MARISELA SALMERON</b> , Maternal Grandmother, is Petitioner.	
<b>Cont from 111714</b>		Father (Richard, Brianna, Isacc):	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<b>JOHN RICHARD SOLOMONIAN</b> (Deceased)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Father (Adam): <b>UNKNOWN</b>	
<input type="checkbox"/>	<b>Inventory</b>	Mother: <b>MARISELA MACIAS</b>	
<input type="checkbox"/>	<b>PTC</b>	Paternal Grandfather (Richard, Brianna, Isacc): Unknown	
<input type="checkbox"/>	<b>Not.Cred.</b>	Paternal Grandmother (Richard, Brianna, Isacc): Unknown	
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/> x	
<input type="checkbox"/>	<b>Aff.Mail</b>	Paternal Grandfather (Adam): Unknown	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Paternal Grandmother (Adam): Unknown	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Maternal Grandfather: Benjamin Macias	
<input type="checkbox"/>	<b>Pers.Serv.</b>	<input checked="" type="checkbox"/> x	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>	Additional Siblings: Jasmine Macias, Emily Tarango	
<input checked="" type="checkbox"/>	<b>Letters</b>	<b>Petitioner states</b> the mother has been diagnosed with psychosis and is no longer on her medication. She was admitted to Community Behavioral Health Center from 10-20-14 to 10-27-14. Her mental health is regressing. Several reports have been made to police and CPS due to child endangerment and not providing them with their basic needs. CPS advised Petitioner to file for guardianship immediately. The two older children are currently with Petitioner because they refused to go with their mother; however, the mother took the two younger boys back when she was released from Behavioral Health. The mother keeps coming to take the older kids and threatens Petitioner. Petitioner states the mother will not allow the two younger boys to eat. She says all food is rotten or poisonous and throws it away. Petitioner states the mother is putting the children in harm's way.	
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> skc <b>Reviewed on:</b> 11-25-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 17 – Solomonian &amp; Macias</b>			

Pro Per Parham, Debra (Pro Per Petitioner, maternal grandmother)

## Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

<b>Age: 8 years</b>		<b><u>General Hearing set for 1/29/2015</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>DEBRA PARHAM</b> , maternal grandmother, is Petitioner.		1. Order on Court Fee Waiver filed on 11/21/2014 shows Petitioner's fee waiver request was denied. Therefore, Petitioner owes the <b>\$225.00</b> filing fee for the general petition and <b>\$60.00</b> for the temporary petition, which Court records indicate has not been paid to date, and Petitioner does not appear to have requested reconsideration of the fee waiver order.  2. Need <i>Notice of Hearing</i> and proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian</i> , or <i>Consent to Appointment of Guardian and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> <li>Janet L. Winters, mother;</li> <li>Father.</li> </ul> 3. UCCJEA form filed on 11/21/2014 does not provide residence information for the last 5 years as required.	
		Father: <b>Not listed</b>			
		Mother: <b>JANET LEA WINTERS</b>			
		Paternal grandfather: <i>Not listed</i> Paternal grandmother: <i>Not listed</i>			
		Maternal grandfather: Tommy Nance; Deceased.			
		<b>Petitioner states</b> the mother is currently incarcerated in Fresno County jail, and has provided Petitioner and the [Department of Social Services, CPS] with a personal letter stating she would like Petitioner to continue to care for the child as part of a plan of care for full guardianship of the child.			
		<b>Petitioner attaches to the Petition</b> a copy of the Fresno County Children and Family Services, DSS plan of care document for the child dated 11/10/2014, stating the mother is incarcerated and understands she will possibly not be offered family reunification services due to her past case history and the fact she was just reunified with the minor in August 2012; and indicating that the mother agrees to the plan of care and the maternal grandmother (Petitioner) is willing and able to continue to care for the minor and provide a plan of care of guardianship.			
<b>Cont. from</b>					
	<b>Aff.Sub.Wit.</b>				
✓	<b>Verified</b>				
	<b>Inventory</b>				
	<b>PTC</b>				
	<b>Not.Cred.</b>				
	<b>Notice of Hrg</b>	X			
	<b>Aff.Mail</b>				
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>	X			
✓	<b>Conf. Screen</b>				
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
✓	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				
				<b>Reviewed by:</b> LEG	
				<b>Reviewed on:</b> 12/1/14	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 20 - Winters</b>	



Pro Per Lopez, Zenisa (Pro Per Petitioner, maternal aunt)

## Petition for Appointment of Temporary Guardianship of the Person

Age: 11 years		<p><u>General Hearing set for 1/27/2015</u></p> <p><b>ZENISA LOPEZ</b>, maternal aunt, is Petitioner.</p> <p>Father: <b>UNKNOWN</b>; Declaration of Due Diligence filed 11/24/2014.</p> <p>Mother: <b>JESSICA MARIE FRUTOZ</b>; consents and waives notice.</p> <p>Paternal grandfather: Not listed Paternal grandmother: Not listed</p> <p>Maternal grandfather: Francisco Lopez Maternal grandmother: Renee Manjarrez; consents and waives notice.</p> <p><b>Petitioner states</b> the child's parents are highly unfit to be parenting, they can't provide support or care, and the child is already in Petitioner's care. Petitioner states the mother is a heavy drug user and has an open CPS case, and Petitioner would rather take guardianship of the child because he is a lovely kid who deserves to be cared for and to be part of a family that cares about him.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ul style="list-style-type: none"> <li>If Court does not find due diligence per Declaration of Due Diligence filed 11/24/2014, need proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice for: <ul style="list-style-type: none"> <li>Father.</li> </ul> </li> <li><b>UCCJEA form filed on 11/24/2014 does not provide residence information for the last 5 years as required.</b></li> </ul>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 12/1/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 21 - Frutoz</b></p>				

**Petition for Appointment of Temporary Conservatorship of the Person and Estate.**

<b>Age: 19 years</b>		<b>GENERAL HEARING 1/14/15</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>					
	<b>Aff.Sub.Wit.</b>				
✓	<b>Verified</b>				
	<b>Inventory</b>				
	<b>PTC</b>				
	<b>Not.Cred.</b>				
	<b>Notice of Hrg</b>	X			
	<b>Aff.Mail</b>	X			
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>	X			
	<b>Conf. Screen</b>	X			
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
	<b>CI Report</b>	X			
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				

  

<p><b>MICHAEL D. OHANESIAN</b>, father, is petitioner and requests appointment as temporary conservator of the person and estate without bond.</p> <p><b>Estimated value of the Estate:</b>          Personal property - \$ 50.00          Annual Income - \$10,416.00</p> <p>Petitioner states the proposed conservatee was diagnosed as moderate autistic at a young age. She has the mental capacity of a 10 year old and is unable to provide for her daily needs and finances. She requires a conservatorship to keep her safe from harm.</p> <p>Petition states the proposed conservator plans to change the residence of the proposed conservatee to a group home as suggested by CVRC.</p>	<p>1. Need Notice of Hearing.</p> <p>2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition on:          a. Nikki Nicole Ohanesian (proposed conservatee)</p> <p>3. Need proof of service of the Notice of Hearing along with a copy of the temporary petition on:          a. Kimberly Ohanesian (sister)          b. Alex Ohanesian (brother)          c. Mark Ohanesian (brother)          d. Helen Ohanesian (paternal grandmother)</p> <p>4. Need Confidential Conservator Screening Form.</p> <p><b>Court Investigator Jennifer Young to provide:</b>          1. Court Investigator's Report          2. Advisement of Rights</p> <p><b>Note to Judge:</b> It does not appear that a conservatorship of the estate is necessary. The only income is from Social Security.</p> <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 12/2/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 22 - Ohanesian</b></p>
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**24A Henry and Margaret Boyajian (Trust)**

Case No. 14CEPR00145

Atty Pruet, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)

Atty Camenson, David M. (for Margaret Courtis – Objector)

Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

**Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust  
and for Instructions, Probate Status Hearing Re: New Petition**

Henry Boyajian DOD: 10-18-01		<b>PHYLLIS BRANCHE</b> , daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 7-16-14:</u> Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only.  <u>Status Report filed 8-7-14 by Attorney Burnside states the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August.</u>  <u>Minute Order 8-13-14:</u> Attorney Burnside reports that a new petition will be filed.  <u>Note: Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts filed 9-15-14 is Page 6B of this calendar.</u>  <u>If this petition at 6A goes forward, the following issues may need to be addressed:</u>  1. Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005.  2. Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons <u>entitled to notice</u> .  3. Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition.  <u>Note: Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.</u>  4. Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis.
Margaret Boyajian DOD: 10-29-13			
Cont: 041014, 071614, 081314, 091714, 101414, 111314, 120114			
Aff.Sub.Wit.			
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

**Petitioner states** Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows:

- 1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian;
- 2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and
- 3) The remainder to Petitioner and Margaret Courtis in equal shares.

**SEE ADDITIONAL PAGES**

Reviewed by: skc
Reviewed on: 12-2-14
Updates:
Recommendation:
File 24A – Boyajian

24A

**Page 2**

**Petitioner states** on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modify the specific bequests by
  - 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Courtis, and Jeffrey Boyajian, and
  - 2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code § 100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

**SEE ADDITIONAL PAGES**

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

**Petitioner prays for an order as follows:**

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and**
- 5. For such other orders as the Court considers proper.**

**Maggie Courtis' Objection states** the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Byapss Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

**No-contest clause:** Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

**Objector prays for an order that:**

- 1. The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
- 4. Jeffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

**SEE ADDITIONAL PAGES**

**Page 4**

**Jeffrey Boyajian's Response states** Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

**Respondent states** he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extent is the amount of the bequests to the grandchildren (\$400,000 each) affected?

**Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.**

**Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.**

**Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.**

**Update: Petitioner filed a new Petition for Order Approving Stipulation for Settlement, etc., which is Page B of this calendar.**

24B  
Atty  
Atty  
Atty

**Henry and Margaret Boyajian (Trust)**

Pruett, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)  
Camenson, David M. (for Margaret Courtis – Objector)  
Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Case No. 14CEPR00145

**Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts**

<b>Henry Boyajian</b> DOD: 10-18-01	<b>PHYLLIS BRANCHE</b> , daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Page 9 of the Petition is missing from the filed document.  1. Need order.
<b>Margaret Boyajian</b> DOD: 10-29-13		
<b>Cont. from 101414, 111314, 120114</b>	<b>Petitioner states</b> the parties participated in mediation with Attorney William H. Coleman. Petitioner was represented by Barry W. Pruett, Respondent was represented by Leigh W. Burnside and Jeffrey L. Wall, Maggie was represented by David M. Camenson, and Andrew, Cody, and Alan were present with their mother, Petitioner, and her counsel. The parties entered into a written settlement agreement at conclusion of the mediation. See Attachment A. The material terms include:	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<ul style="list-style-type: none"><li>A professional fiduciary will be appointed successor trustee of the bypass trust and of the individual trusts to be established thereunder for Andrew, Cody, and Alan;</li></ul>	
<input checked="" type="checkbox"/> <b>Verified</b>	<ul style="list-style-type: none"><li>Funding and administration details of Andrew's, Cody's, and Alan's trusts;</li></ul>	
<input type="checkbox"/> <b>Inventory</b>	<ul style="list-style-type: none"><li>Petitioner shall keep proceeds on hand in decedent Margaret Boyajian's Bank of America account xx2342;</li></ul>	
<input type="checkbox"/> <b>PTC</b>	<ul style="list-style-type: none"><li>Petitioner shall cooperate to turn over to Respondent, in his capacity as sole trustee of the survivor's trust, the balance of Bank of America account xx0920;</li></ul>	
<input type="checkbox"/> <b>Not.Cred.</b>	<ul style="list-style-type: none"><li>Respondent will not enforce any debts or other obligations owed, or alleged to be owed, by Petitioner, Maggie, Andrew, Cody, or Alan to Margaret Boyajian or to her Survivor's Trust;</li></ul>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<ul style="list-style-type: none"><li>Petitioner, Maggie, Cody, and Alan waive any and all accountings of the Survivor's and Bypass trusts;</li></ul>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<ul style="list-style-type: none"><li>Respondent to receive certain real property in Selma free and clear of trust pursuant to the terms of the Restated Trust Agreement and Second Amendment dated 8-18-08;</li></ul>	
<input type="checkbox"/> <b>Aff.Pub.</b>	<ul style="list-style-type: none"><li>Distribution of tangible personal property; and</li></ul>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<ul style="list-style-type: none"><li>Other stipulations.</li></ul>	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**SEE PAGE 2**

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 12-2-14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 24B – Boyajian</b>

24B

**Page 2**

**Petitioner also requests modification of irrevocable bypass trust, survivor's trust and grandchildren's trusts pursuant to §15403(a) as set forth in the petition.**

**Petitioner prays for an order:**

1. Approving the written settlement agreement attached as Attachment A;
2. Accepting the declinations of Phyllis K. Branche and Margaret R. Courtis to serve as successor co-trustees of the bypass trust;
3. Accepting the declination of Phyllis K. Branche to serve as the trustee of the grandchildren's trust shares for her sons Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
4. Appointing Marion Austin as the sole successor trustee of the bypass trust created under the Restatement of the Henry and Margaret Boyajian Trust Agreement dated September 23, 1999;
5. Appointing Marion Austin as the sole trustee of the grandchildren's trusts for Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
6. Approving the modification of the irrevocable bypass trust and survivor's trust as set forth herein;
7. Ordering that the real property located in Selma is distributed to beneficiary Jeffrey L. Boyajian as his sole and separate property; and
8. Awarding any and all other relief as the Court deems just and proper.

**Margaret Courtis' Response and Objections filed 10-3-14** states objections, but states that in the spirit of settling, she is willing to forego the issue of Petitioner receiving more than her "fair share" of the life insurance policy and forgive other transgressions. Ms. Courtis is generally in favor of an order approving the Stipulation for Settlement entered into by Petitioner, Courtis, Jeffrey Boyajian, Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche on 7-15-14 as set forth in the petition, but with a few clarifications. See Response specifically regarding:

- Bank of America Account Balance
- Current Income Distribution
- Personal Property Items
- Family Photographs

Ms. Courtis also states she is not opposed to the appointment of Marion Austin as the sole successor trustee to the bypass trust and as sole trustee of the trust shares to be established for Andrew, Cody, and Alan. Ms. Courtis would like to also include in the Court's order a provision that any successor trustee to Marion Martin (sic) must also be approved by Respondent, Courtis, and Petitioner, if living.

Ms. Courtis is not opposed to an order modifying the trusts as set forth in Petition Line 22, Page 10, through Line 24, Page 11.

Please see Response for the complete prayer for relief.

**Jeffrey L. Boyajian, Successor Trustee, filed a Response on 10-8-14.** Mr. Boyajian states he joins in the Response filed by Ms. Courtis and prays for an order approving the settlement, but with various modifications. See Response for the complete prayer for relief. (Note: Prayer mirrors Ms. Courtis' prayer.)

**Petitioner Phyllis Branche filed a Response to Objection on 10-9-14.** Ms. Branche indicates various disagreements with the statements in the responses, but also prays for an order approving the settlement agreement. See pleading for complete prayer for relief.



## Case No. 14CEPR00145

**Atty Camenson, David M. (for Margaret Courtis – Objector)**

**Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)**

**NEEDS/PROBLEMS/COMMENTS:**

**At the continued hearing on 10-14-14 on Ms. Branche's Petition to Appoint Successor Trustee of Bypass Trust (Page A of this Calendar), the Court continued the matter to 11-13-14 and also set this separate status hearing. Please see Pages A and B for details.**

**Status Report filed 11-24-14 by Attorney Leigh Burnside states** that at the conclusion of the mediation, a written settlement agreement was signed. The agreement called for appointment of a neutral successor trustee. Considerable time passed, however, before Ms. Branche and her sons decided whom to nominate. Ultimately, they selected Ms. Marion Austin. In the meantime, the trustee learned from one of Ms. Branche's sons that she had written significant checks from the Bank of America account the day prior to mediation. The trustee's initial demand that she return the funds was rejected. Since that time, the parties have corresponded but have not been able to resolve the issue. As a result, both the trustee and Ms. Courtis objected to Ms. Branche's subsequent petition to approve the settlement agreement signed at mediation. Respondent requested the parties return to Mr. Coleman for further mediation, but Ms. Branche refused. Most recently, Ms. Branche, through her attorney Barry Pruett, communicated a settlement offer to Ms. Burnside and Mr. Camenson; however, the trustee has been on vacation; therefore, Ms. Burnside has not been able to discuss the offer with him. He is expected to return the week of Nov. 24.

Reviewed by: skc

Reviewed on: 12-2-14

### Updates:

**Recommendation:**

File 24C – Boyajian

24C